

RESPONSE TO RESTRICTION REQUIREMENT

Serial Number: 09/754,775

Filing Date: January 4, 2001

Title: PREVENTION AND TREATMENT OF CARDIOVASCULAR PATHOLOGIES WITH TAMOXIFEN ANALOGUES

Page 10

Dkt: 295.009US3

REMARKS

The Examiner is thanked for the courtesy of the telephonic interview on March 18, 2008 in which the Restriction Requirement mailed February 26, 2008 was discussed. In that conversation, the Examiner clarified that for the election of species B) the compound is one within the scope of claim 231, and that the identification of claims reading on elected species A) and B) is only for claims 231 and 233-234.

In response to the election of species A) from arteriosclerosis, silent myocardial infarction, vascular insufficiency in the limbs, peripheral neuropathy, or retinopathy, Applicant provisionally elects, with traverse, retinopathy. In response to the election of species B) from idoxifene, 4-iodotamoxifen, 3-iodotamoxifen, toremifene or compounds wherein R5 or R6 is I, Applicant provisionally elects, with traverse, idoxifene. Applicant believes claims 231 and 233-234 read on each of the elected species.

The requirement to elect species A) and B) is traversed on the basis that the species have a disclosed relationship. That is, for species A), arteriosclerosis, silent myocardial infarction, vascular insufficiency in the limbs, peripheral neuropathy, and retinopathy have, or may have an underlying, vascular component, and for species B), the compounds are all structurally related to tamoxifen.

Moreover, contrary to the Examiner's assertion, there is no examination and search burden that supports the species elections, as claim 231 has been present in the application since April 2002, and seven Office Actions have been issued since that time.

Therefore, withdrawal of the species elections is appropriate and is respectfully requested.

RESPONSE TO RESTRICTION REQUIREMENT

Serial Number: 09/754,775

Filing Date: January 4, 2001

Title: PREVENTION AND TREATMENT OF CARDIOVASCULAR PATHOLOGIES WITH TAMOXIFEN ANALOGUES

Page 11
Dkt: 295.009US3

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6959 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6959

Date

April 15, 2008 By Janet E. Embretson
Janet E. Embretson
Reg. No. 39,865

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 15th day of April 2008.

Name

Dawn M. Rorie

Signature

Dawn M. Rorie